

TRAUB LIEBERMAN

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Lisa L. Shrewsberry | Partner | lshrewsberry@tlsslaw.com

February 9, 2024

VIA ECF

Hon. Denise L. Cote
United States District Court
Southern District of New York
500 Pearl Street, Room 1910
New York, New York 10007

Re: ***Zunzurovski v. Fisher, et al.***
1:23-cv-10881 (DLC)

Dear Judge Cote:

We represent Liane Fisher, Michael J. Taubenfeld and Fisher Taubenfeld, LLP, all of whom have been named as defendants in this matter. My clients are attorneys, who represented plaintiff in an underlying employment dispute with his former employer. My first involvement in this matter was on November 15, 2023, when I had a telephone conversation with plaintiff's counsel during which he advised me in vulgar and misogynistic terms that my client, Liane Fisher, had engaged in an inappropriate personal relationship with adverse counsel during the underlying matter. To be clear, such salacious assertion is untrue. I advised Mr. Blackburn of that fact, and objected to his unprofessional tone and language. In response, Mr. Blackburn told me to "f . . . myself," and that if we did not agree to engage in an immediate private mediation, he would publicly humiliate Ms. Fisher. He then hung up on me. That was my first and last telephone contact with Mr. Blackburn.

Despite the obvious attempt to extort, and in the hope that we could avoid having such an untrue and defamatory assertion made public, we agreed by email to meet with plaintiff and his counsel before any JAMS mediator with New York federal bench experience in order to hopefully defuse the situation and prevent it from going any further. Plaintiff's counsel refused every single potential mediator that met such criterion. Over the course of our written communication on the issue, Mr. Blackburn became even more hostile, and on December 14, 2023 he wrote an email to me calling me a "disgusting racist." At this point, it was clear that there was no point in trying to reason with him.

By email on December 14, 2023, Mr. Blackburn sent me a draft complaint, which indicated that he was contemplating an action in federal court. I responded thereto by email, by advising that the federal court would not have diversity jurisdiction over this matter because the plaintiff and Ms. Fisher are both

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Hon. Denise Cote

Zunzurovski v. Fisher, et al.

1:23-cv-10881 (DLC)

February 9, 2024

Page 2

domiciled in New Jersey. Mr. Blackburn filed the complaint herein anyway, after being advised of the lack of diversity jurisdiction. In response, on December 15, 2023, I again advised Mr. Blackburn in writing that the federal court does not have jurisdiction over this matter, because his client and Ms. Fisher are both domiciled in New Jersey. (Such fact also creates New Jersey citizenship for the law firm defendant, as an LLP.) We requested that he withdraw his complaint and discontinue this action in light of same.

Yesterday, almost two months after our last contact, I received the attached email from Mr. Blackburn. I looked at the docket, and read his correspondence to Your Honor dated February 1, 2024, which was not copied to us. Therefore, I am writing this letter to correct the inaccuracies contained therein. Moreover, we believe it is important to address Mr. Blackburn's stated plan to continue to litigate this action against Michael Taubenfeld in federal court, while commencing a new and identical action against Liane Fisher in state court. Such plan would run afoul of Fed. R. Civ. P. 19(b). *Familia v. Fromer*, 2023 WL 8935436 (S.D.N.Y. 2023) (complaint dismissed for lack of subject matter jurisdiction where dismissal of one non-diverse and indispensable defendant would impede the Court's ability to accord complete relief among remaining parties) In addition, such plan would force the defendants to incur twice the attorneys' fees, and increase the exposure of my clients to the harm caused by the knowingly false, malicious and extremely defamatory assertions against Ms. Fisher.

While it appears that Mr. Blackburn is planning to amend his pleading, we would request an immediate conference with the Court.

Respectfully submitted,

Lisa L. Shrewsberry

Lisa L. Shrewsberry

cc: Tyrone Blackburn, Esq.

From: Tyrone Blackburn <tblackburn@tablackburnlaw.com>
Sent: Thursday, February 8, 2024 3:08 PM
To: Lisa Shrewsberry
Subject: Re: Zunzurovski

Since you have refused to accept service under rule 4, and to date, you have not provided evidence of Defendant Fisher's address, I will voluntarily withdraw the action against Defendant Fisher from federal court and refile against her in State Court. That will leave Defendant Taubenfeld and Corporate Defendant in Federal Court. The matter is before Judge Cote, and I will inform her of the Plaintiff's decision. If you continue to refuse to waive service pursuant to Rule 4 for Defendant Taubenfeld and Corporate Defendant, Plaintiff will seek reimbursement for all costs surrounding the service of process.

Regards,

Tyrone A. Blackburn, Esq.
T. A. Blackburn Law, PLLC.
Phone: 347-342-7432
TABlackburnlaw.com

> On Dec 15, 2023, at 11:53 AM, Lisa Shrewsberry <lshrewsberry@tlsslaw.com> wrote:

>
> Tyrone,
>
> As I told you by email yesterday, the federal court does not have jurisdiction in this matter because both your client and Liane Fisher are domiciled in New Jersey. As there is not complete diversity of citizenship, we request that you withdraw your complaint and discontinue this action. As this action was improperly commenced in federal court, we will not accept service.

>
> We also request that you discontinue your contact with our clients by copying them on emails to me or otherwise, as such contact is improper.

>
> Lisa
>
> LISA L. SHREWSBERRY
> PARTNER

>
>
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the electronic version of the message from your system. Thank you.

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> -----Original Message-----

> From: Tyrone Blackburn <tblackburn@tablackburnlaw.com>

> Sent: Friday, December 15, 2023 12:14 AM

> To: Lisa Shrewsberry <lshrewsberry@tlsslaw.com>

> Cc: liane@fishertaubenfeld.com; Michael Taubenfeld <michael@fishertaubenfeld.com>

> Subject: Re: Zunzurovski

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